IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 32130 of 2006(Y)

PETITIONERS:

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1. P.E.POULOSE, POWER OF ATTORNEY HOLDER OF JACOB P.GEORGE, M/S.ECONOMIC ENGINEERING ENTERPRISES, M.I.E., ANGAMALY.

2. P.J.THOMAS, MANAGING PARTNER, POPULAR RUBBER PRODUCTS, M.I.E., ANGAMALY.

3. P.O.AUGUSTY, MATHU ENTERPRISES & MATHU WEARS & BAGS, M.I.E., ANGAMALY.

4. C.A.JOSE, TO-IN-TO CIRCUITS, M.I.E., ANGAAMALY.

5. A.M.ABDUL LATHEEF, PRINCE PLAST, M.I.E., ANGAMALY.

BY ADV. SRI.JOHNSON P.JOHN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY DIRECTOR, INDUSTRIES DEVELOPMENT, GOVT OF KERALA, THIRUVANANTHAPURAM.

2. GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, ERNAKULAM.

3. THE MANAGING DIRECTOR, ERNAKULAM DISTRICT MINI INDUSTRIAL ESTATE CO-OPERATIVE SOCIETY LTD., ALUVA.

BY GOVERNMENT PLEADER SRI.V.I.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.32130 of 2006-Y

Dated this the 12th day of December, 2006

JUDGMENT

The petitioners are challenging Ext.P6 notice. By Ext.P6 the first petitioner has been asked to vacate the premises allotted to him by the third respondent. The said notice is issued based on Ext.P7 instruction issued by the second respondent directing the third respondent to cancel the allotment of spaces which have not been put to use. According to the petitioners, though Ext.P6 is only a notice, since the same is issued based onExt.P7, showing cause will be a futile exercise. Hence, this writ petition challenging Exts.P6 and P7.

2. Ext.P7 is only a general direction issued to evict the unutilised spaces allotted in the Mini Industrial Estate, Angamaly. Ext.P6 has been issued on the allegation that the first petitioner has not put to use the space allotted to him. If he has got a case that he has utilised the space allotted, he can show cause and resist the steps for eviction. Therefore, the writ petition is premature and accordingly, it is dismissed without prejudice to the contentions of the petitioners.

K.BALAKRISHNAN NAIR,JUDGE.

MS